

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**JORY PULLEN,**

*Plaintiff,*

v.

**SANDERSON FARMS, INC.  
(PROCESSING DIVISION),**

*Defendant.*

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**Civil Case No. 6:20-cv-00913**

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**DEFENDANT'S NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. § 1332, 28 U.S.C. § 1441, 28 U.S.C. § 1446, and Federal Rule of Civil Procedure 81, Defendant, Sanderson Farms, Inc. (Processing Division) ("Defendant"), hereby removes to this Court the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), Defendant sets forth the following "short and plain statement of the grounds for removal."

**A. THE REMOVED CASE**

1. The removed case is a civil action filed with the 170<sup>th</sup> Judicial District Court of McLennan County, Texas, on or about August 27, 2020, styled *Jory Pullen v. Sanderson Farms, Inc. (Processing Division)*, Cause No. 2020-2688-4 ("the State Court Action"). The case arises from an alleged injury incident involving Plaintiff, Jory Pullen ("Plaintiff" or "Pullen"), while Pullen was employed by Sanderson Farms, Inc. (Processing Division).

**B. DOCUMENTS FROM THE REMOVED CASE**

2. Pursuant to 28 U.S.C. § 1446(a), Defendant attaches the following documents to this Notice of Removal:

- (1) A copy of all process, pleadings, and orders served upon Defendant in the State Court Action.

These documents are attached to this Notice of Removal as *Exhibit A*.

3. Additionally, Defendant is simultaneously filing a separately signed Disclosure Statement that complies with FED. R. CIV. P. 7.1(a).

**C. REMOVAL IS TIMELY**

4. Pullen filed the present civil lawsuit against Defendant in the 170<sup>th</sup> Judicial District Court of McLennan County, Texas, on August 27, 2020. Defendant was served with Plaintiff's Original Petition ("the Original Petition") in the State Court Action on September 4, 2020. In his Original Petition, Plaintiff asserts causes of action for negligence against Defendant.

**D. VENUE IS PROPER**

5. The United States District Court for the Western District of Texas is the proper venue for removal of the State Court Action pursuant to 28 U.S.C. § 1441(a) because the 170<sup>th</sup> Judicial District Court of McLennan County, Texas, is located within the jurisdiction of the United States District Court for the Western District of Texas.

**E. DIVERSITY OF CITIZENSHIP EXISTS**

6. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on

diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446.

7. Pullen is a citizen of Texas.

8. Sanderson Farms, Inc. (Processing Division) is a foreign corporation formed under the laws of Mississippi. Sanderson Farms, Inc. (Processing Division)'s primary place of business is Laurel, Mississippi. Pursuant to 28 U.S.C. § 1332(c)(1), Sanderson Farms, Inc. is not a citizen of the State of Texas.

9. Because Pullen is a citizen of the State of Texas and Defendant is not a citizen of the State of Texas, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

**F. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED**

10. In the Original Petition, Pullen alleges that he is seeking "monetary relief over \$1,000,000."<sup>1</sup> As such, Pullen seeks to recover damages in excess of \$75,000.

11. Based on the aforementioned facts, the current State Court Action may be removed to this Court by Defendant in accordance with the provisions of 28 U.S.C. § 1441(a) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Western District of Texas; (ii) this action is between citizens of different states; and (iii) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

**G. FILING OF REMOVAL PAPERS**

12. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing written notice

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<sup>1</sup> See, "Plaintiff's Original Petition" at ¶ 16, a true and correct copy of which is produced herein.

of the filing of this Notice of Removal to all counsel of record and is filing a copy of this Notice with the Clerk of the 170<sup>th</sup> Judicial District Court of McLennan County, Texas, in which this action was originally commenced.

#### **H. CONCLUSION**

13. Defendant, Sanderson Farms, Inc. (Processing Division), hereby removes the above-captioned action from the 170<sup>th</sup> Judicial District of McLennan County Texas, and requests that further proceedings be conducted in the United States District Court for the Western District of Texas, Waco Division, as provided by law.

Respectfully submitted,

**MAYER LLP**

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**ATTORNEYS FOR DEFENDANT  
SANDERSON FARMS, INC.  
(PROCESSING DIVISION)**

**CERTIFICATE OF SERVICE**

This is to certify that on the 2<sup>nd</sup> day of October 2020, a true and correct copy of the foregoing has been forwarded to all counsel of record, as follows:

**Via ECF AND EMAIL:**

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